

REMARKS

Statement Under 37 CFR 3.73(b)

Applicant states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the previous owner of the patent application identified above. A copy of that assignment is enclosed. The assignment was sent in to be recorded on February 13, 2003, as is reflected by the enclosed Recordation Form Cover Sheet and transmittal. The undersigned is authorized to act on behalf of the assignee, as is reflected in the enclosed Revocation of Power of Attorney and Authorization of Agent.

General

Applicant has amended a number of paragraphs, as indicated below in the Version with Markings to Show Changes, to correct minor typographical and/or grammatical errors. Applicant has further amended claim 5 to correct a grammatical error and address the indefiniteness rejection noted by the Examiner. Applicant has also amended claim 7 to correct a minor typographical error.

Claims 12-14 were cancelled from the above-identified application so that the prosecution of the present application may be expedited. Accordingly, Applicant reserves the right to prosecute the foregoing cancelled claims in a continuation application or otherwise.

Applicant has added claims 15-30.

Claims 1-11 and 15-30 are thus currently pending. Claims 1-11 stand objected to.

Section 112 Rejection

In the August 14, 2002 Office Action, claim 5 was rejected as being indefinite for reciting "threading" without sufficient antecedent basis. Applicant has amended claim 5 to provide the proper antecedent basis.

Bamber Rejection

In the August 14, 2002 Office Action, claims 1-11 were rejected as being anticipated by Bamber (5,541,822). Applicant traverses this rejection as set forth below.

Bamber Does Not Disclose or Otherwise Teach Several Limitations of the Claims

The August 14, 2002 Office Action rejected claims 1-11 as being anticipated under 35 U.S.C. § 102(b) by Bamber. For the reasons set forth below, applicant respectfully traverses these rejections.

The Office Action states:

"Bamber discloses a body for retaining at least one battery, said body having serrations on an exterior surface to facilitate desired angular adjustment of said body (12); a base portion in pivot connection with said body, said base portion having a pivot stop to facilitate desired angular adjustment of said body ((66,51); and a lamp attached to said body, and selectively connected to said at least one battery to cause the lamp to emanate light (figs 1-5)

(See August 14, 2002 Office Action, Paper No. 4).

The Office Action in essence claims that the head component 12 in Bamber contains serrations on an exterior surface, a lamp, and at least one battery. However, Bamber teaches that reference 12 only "includes a head housing 37, a reflector 38, and a bulb holder 39 which holds a lightbulb 40." (See Bamber Col 2:21-2:22, Fig 8). Nowhere in Bamber is it disclosed or taught that the head component 12 contains at least one battery. Instead, Bamber teaches away from the claimed invention. Bamber teaches that the component housing the battery is separate and apart from the component having the attached lamp. Bamber states:

Referring to Fig. 8, the tubular main housing 13 is adapted to enclose a pair of dry cell batteries 17. (Bamber Co. 2, lines 1-2).

Further, the housing component 12 is incapable of emanating light as an individual structure because it does not include any source of energy, i.e., a battery.

In contrast, independent claims 1 and 7 contain a limitation for "a body for retaining at least one battery" and a lamp attached to said body. (See Fig. 1). This structure is capable of emanating light because it contains a lamp, at least one battery, and a structure to connect the two. Therefore, the limitations of independent claims 1 and 7 disclosing a body with at least one battery and a lamp are limitations not contained in the head component 12 of Bamber.

Furthermore, Bamber teaches a flashlight with a head component 12 and main housing component 13. In Bamber, the pivot connection separates the head component 12 with the lamp from the main housing component 13 with the battery. In contrast, independent claims 1 and 7 include body 14 with a battery and a lamp and a separate base 16. The pivot connection is between the body 14 and base 16. Bamber does not disclose or teach the base. As such, Bamber also does not show that the base is pivotally connected to the body, as recited in independent claims 1 and 7. Bamber fails to mention a base structure of any sort. Therefore, the present invention contains a feature not present in Bamber.

In addition, dependent claim 6 provides that "said base portion is affixable to a head gear." The Specification of the instant invention discloses, among other things, "attachment of the base 16 to a curved surface object, such as head gear, or placement directly on a human forehead." The August 14, 2002 Office Action states that Bamber discloses or teaches a "base portion is affixable to a head gear (44,12)." However, Bamber fails to teach or disclose such a limitation. The references to 44 and 12 of the Bamber invention refer to the head component 12 and the walls 44 of the pivot portion of the head. As mentioned above, head component 12 does not contain at least one battery

and is incapable of emanating light. Therefore, if you affixed (44, 12) to a head gear no light would emanate.

Also, dependent claim 8 provides that "an axis of said pivot connection is located a distance from an axis of a center of said at least one battery." But Bamber does not disclose pivot axes being a distance apart.

Therefore, since Bamber does not disclose at least: (1) a head component 12 containing a lamp and at least one battery; (2) a base; and (3) said base being affixable to a head gear, the Bamber reference is traversed.

Maglica Rejection

The August 14, 2002 Office Action rejected claims 12-14 as being anticipated under 35 U.S.C. § 102(b) by Maglica (4,388,673). Applicant traverses that rejection.

The Office Action states that "Maglica discloses a switching assembly moveable relative to a head assembly such axial movement of the switching assembly causes electrical coupling of the lamp with the at least one battery *and causes a position of the lamp to vary focus and defocus the light.*" (emphasis added). But nothing in Maglica discloses or suggests that movement of the switching assembly causes a position of the lamp to vary focus and defocus the light.

In Maglica, "forward and rearward movement of the bulb 120 is accomplished by rotating the head housing 50 to rotate the camming member 80" which then "rotates the cam surface 122" which then "either moves a cam follower 124 rearwardly or, if the cam follower 124 is already in its rear position, rotation of the cam surface 122 will permit a coil spring 150 to *urge the bulb and bulb-retainer structure axially forwardly, relative to the axially stationary parabolic reflector.*" (Col. 4, lines 33-42, emphasis added). Thus, it is not axial movement of the switch assembly that causes a position of the lamp to focus and defocus. (See generally, Col. 2, line 62 to Col. 3, line 25).

Furthermore, the Office Action states that "[t]he switching assembly comprises a bezel..." citing Fig. 2, reference 50 and that "axial movement of said switching assembly is achieved by turning said bezel." But the switch assembly in Maglica does not include a bezel (See generally, Col. 2, line 62 to Col. 3, line 25) and the switch assembly is moved by depressing a plunger 34, not by turning a bezel. (See Col. 3, lines 5-11).

Nevertheless, the rejection is moot as applicant has cancelled claims 12-14, reserving the right to later prosecute them in a continuation application or otherwise.

Added Claims

Applicant has also added independent claims 15, 20 and 26 and dependent claims 16-19, 21-25, 27-30. Each of those claims avoid the cited prior art.

Independent claim 15 recites a head light. Neither Bamber nor Maglica disclose or suggest a head light. In addition, claim 15 recites a "switching assembly adapted to cause electrical coupling of said lamp when said head assembly is rotated." Neither Bamber nor Maglica disclose or suggest that rotation of the head assembly causes electrical coupling of the lamp.

Independent claim 20 recites a "reflector moveable relative to said lamp whereby axial movement of said head assembly causes axial movement of said reflector together with said lamp and further axial movement of said head assembly causes axial movement of said reflector relative to said lamp." Neither Bamber nor Maglica disclose or suggest such. Bamber does not disclose a head assembly that moves axially. And Maglica discloses an "axially stationary parabolic reflector." (Col. 4, line 42).

Similarly, independent claim 26 recites that "axial movement of said head assembly causes said switching assembly to move axially and electrically couples said lamp with said at least one battery without said reflector moving relative to said switching assembly." Neither Bamber nor

Maglica disclose or suggest such. As indicated above, neither Bamber nor Maglica disclose or suggest that rotation of the head assembly causes electrical coupling of the lamp.

SUMMARY

For the foregoing reasons, applicants respectfully submit that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of the application.

Respectfully submitted,

Jones Day Reavis & Pogue

Dated: February 14, 2003

By: Mary A. Tuck

Mary A. Tuck
Reg. No. 47,144



34026

PATENT TRADEMARK OFFICE

Jones Day
Suite 4600
555 W. Fifth Street
Los Angeles, CA 90013-1025
(213) 489-3939

Enclosures

VERSION WITH MARKINGS TO SHOW CHANGES

Specification

Please replace the paragraph that begins on page 7, line 15 and ends on page 8, line 7 with the following replacement paragraph:

Referring now to Figs. 7-12, there is shown a long-handled flashlight having improved switching and focusing features in accordance with another embodiment of the present invention. It is important to note that the improved switching and focusing features described below and shown in Figs. 7-12 are applicable to the head light 20 described above and shown in Figs. 1-6. As depicted, the flashlight is shown as having a head assembly 62, a body 64 and a switching assembly 65. The head assembly 62 comprises a lamp 68, a reflector 70, a bezel 72, and a lens 73. The switching assembly 65 includes a first spring 66, a second spring 74, a first electrical contact 80 and a second electrical contact 82. The lamp 68 (partially shown) includes a first pin 84 that contacts the first electrical contact 80 and a second pin 86 that contacts the second electrical contact 82. The second pin [85] 86 is electrically connected to the first spring 66 that is in [electrically] electrical contact with [on] one of the batteries 76. The body 64 includes a chamber contact 88 that runs the length of the body 64 and is capable of electrical connection to batteries 76 located within the body 64. A description of the switching, focusing and defocusing aspects of the flashlight is explained below with reference to Figs. 7-12.

Please replace the paragraph that begins on page 8, line 16 and ends on page 9, line 7 with the following replacement paragraph:

Referring now to Figs. 9 and 10, the flashlight is shown in the "on" position. Noteworthy is the collapsed position of the first spring 66. The second spring 74 is not collapsed. This is accomplished by turning or rotating the bezel 72. As the bezel is rotated, the reflector 70 is caused

to move axially towards the battery 76. The compression force of the first spring 66 and the second spring 74 are selected to allow the first spring 66 to substantially collapse before the second spring 74. As a result, as the bezel 72 is rotated, the reflector 70 exerts a downward axial compressive force, causing the first spring 66 only to collapse. At this juncture, the second spring 74 does not collapse during this movement and, as a result, the reflector 70 and the switching assembly move together towards the batteries 76. The compression of the first spring 66 causes the lamp 68 to turn on because an electrical connection is made with the batteries 76. In this regard, the first [electrically] electrical contact 80 contacts the chamber contact 88 causing a completion of the electrical connection between the first pin 84 and second pin 88 and the batteries.

Please replace the paragraph that begins on page 9, line 8 and ends on page 9, line 16 with the following replacement paragraph:

Referring now to Figs. 11 and 12, there is shown the collapsed position of both the first spring 66 and the second spring 74. When the first [electrically] electrical contact 80 contacts the chamber contact 88, and the bezel continues to rotate, further movement of the reflector 70 exerts additional compressive forces in the direction of the batteries 76, causing the second spring 74 to collapse. As a consequence, the reflector 70 is caused to move relative to the lamp 68 and the switching assembly. In other words, the practical effect of this condition is that the position of the lamp 68 within the reflector 70 can be varied as desired to focus or defocus the light from the lamp 68 through the lens 73, depending on where the lamp 68 is positioned within the reflector 70.

Claims

5. [Amended] The flashlight according to claim 1, wherein said body comprises a top portion and a bottom portion, [and] said bottom portion having threading [is on said bottom portion].
7. [Amended] A flashlight comprising:
- (a) a body for retaining at least one battery;
 - (b) a head assembly that includes a lamp, said head assembly removably attached to said body, and capable of selectively electrically connecting said lamp to each battery; and
 - (c) a base in pivot connection with said body, said base having a pivot stop to facilitate desired angular adjustment of said light, wherein said pivot connection is located substantially between at [lease] least one battery and the head assembly.

Claims 12-14 have been cancelled.

Claims 15-30 are added.